

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

UNITED STATES OF AMERICA]	
]	
v.]	Cr. No. 19-cr-142-LM
]	
NATHAN CRAIGUE]	

SUPPLEMENT TO NOTICE OF INTENT TO IMPEACH CHRISTOPHER ERICKSON/
INTENT TO IMPEACH WITH ERICKSON'S STATEMENTS TO THE GRAND JURY

The defendant, Nathan Craigue, by and through his counsel, respectfully provides notice to the Court and to the government that he will impeach Christopher Erickson with his untruthful statements to the grand jury. This evidence is admissible pursuant to Federal Rules of Evidence 401, 403, 608 and the Sixth Amendment of the United States Constitution.

In support of this Motion, it is stated:

At trial, Craigue seeks to question Erickson concerning his false statements to the grand jury. The Court may permit inquiry into specific instances of a witness's conduct if they are probative of the witness's character for untruthfulness. Fed.R. Evid. 608; *United States v. Ulloa*, 942 F.Supp. 2d 202, 205 (D.N.H. 2013). During the litigation of this case, the government has proffered that Mr. Erickson would testify to the following:

Mr. McKenna, according to Mr. Erickson, did not make any worker's comp claim arising from the accident. Mr. Erickson spoke to Mr. McKenna about any conversation he might have had with Mr. Craigue about getting compensation and Mr. McKenna told Mr. Erickson that he talked to Mr. Craigue and Mr. Craigue said, basically, you're out of luck, and that no payment would be made. Mr. Erickson would further say that he and McKenna talked about McKenna making a worker's comp claim, but because Mr. McKenna was working under the table, he was not to bring it up. And Mr. Erickson said he believe that Mr. Craigue told Mr. McKenna not to bring that up, but I don't think Mr. Erickson witnessed that

or overheard that.

Doc. no. 74 at 40; *see also* Doc. no. 117 at 4. This proffer was based on Erickson's grand jury testimony.

On June 5, 2021, the government provided counsel with a Giglio Disclosure Letter pertaining to Erickson. *See Exhibit A*. During trial preparation, Erickson admitted that he was not aware of a conversation after McKenna's 2017 accident between McKenna and Craigue in which workers' compensation was discussed. This statement directly contradicts his grand jury testimony. *See Exhibit A* (outlining Erickson's grand jury testimony). Erickson also told the government that he does not recall being told about a conversation in which McKenna asked Craigue for workers' compensation or in which Craigue responded, "you're out of luck." This statement also directly contradicts his testimony to the grand jury. *Id.* What is most remarkable about this disclosure is Erickson's response to the government's inquiry about why he testified as he did to the grand jury. Erickson's response clearly shows that this alleged conversation between Craigue and McKenna was completely fabricated by Erickson. Erickson does not state that he was confused by the questions or made a mistake. Rather, it appears that he lied out of spite for lost wages.

WHEREFORE, Craigue notifies the Court and the government that he will seek to impeach Erickson with his prior false statements to the grand jury. Whether or not Erickson intends to invoke the Fifth Amendment is unknown to undersigned counsel. Nevertheless, the parties are on notice concerning the area of impeachment.

Respectfully submitted,

Date: June 5, 2021

/s/ Dorothy E. Graham

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CERTIFICATE OF SERVICE

I hereby certify that the above document was served on June 5, 2021 and in the manner specified herein: electronically served through CM/ECF to AUSA John Davis and AUSA Aaron Gingrande.

/s/Dorothy E. Graham

Dorothy E. Graham